

### **REMARKS/ARGUMENTS**

The office action of November 24, 2004 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-16 and 19-35 remain pending in this application. Claims 17 and 18 have been canceled without prejudice or disclaimer.

While the Examiner returned a signed copy of the PTO/SB/08a submitted with the Information Disclosure Statement filed June 21, 2002, the reference cited therein was not initialed in the space adjacent to the reference. As such, the undersigned would like to ensure that the submitted reference is made of record and respectfully requests that a copy of the PTO/SB08a form be returned with the next communication making the cited reference of record.

Applicants have amended the specification and abstract to correct minor informalities discovered therein. Claims 9, 11 and 30 have been amended to improve the clarity of their recited features.

Claims 1-11 and 30-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 6,088,671 to Gould et al. ("Gould"). Claims 12-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gould in view of U.S. patent no. 6,075,534 to VanBuskirk et al. ("VanBuskirk"). Applicants respectfully traverse these rejections.

Gould is directed to a system that "recognizes both continuously spoken commands and continuously dictated text by taking advantage of characteristics common to the natural speech of most users." Col. 2, lines 50-52. According to Gould at col. 2, lines 11-15, "[r]ecognizing spoken commands within dictated text allows users to intermittently execute commands that affect the text (e.g., underlining or bolding particular words) without requiring the user to switch between separate command and dictation modes." Gould further emphasizes the advantage to users in that "user confusion is reduced because the user is not required to remember which mode the system is in." Col. 2, lines 15-17.

#### **CLAIMS 1-11**

Independent claim 1 is directed to a method for use in a computing device having a microphone and a button and calls for, among other features, activating the microphone, receiving a user input on the button, placing the device in a dictation mode if the user input is of

a first type, and placing the device in a command mode if the user input is of a second type, wherein the device identifies spoken words as text in the dictation mode, and as commands in the command mode. The action alleges that Gould discloses all the elements of claim 1. To show the feature of receiving a user input on the button, the action points to Utt interrupt signal at col. 3, lines 22-45 and to show the features of placing the device in a dictation mode if the user input is of a first type and placing the device in a command mode if the user input is of a second type, the action relies on col. 1, ll. 42-57 and Fig. 4.

The Utt interrupt signal described at col. 3, lines 22-45 neither teaches nor suggests the claim 1 feature of receiving a user input on the button. Indeed, the Utt interrupt signal is not a user input on the button nor is it generated in response to receiving a user input on the button. Rather, the utterance signal (Utt) 22 is generated by the DSP 19 when speech is detected as described at col. 3, lines 11-21.

Necessarily, Gould lacks a teaching or suggestion of the claim 1 steps of placing the device in a dictation mode if the user input is of a first type and placing the device in a command mode if the user input is of a second type. Namely, “the user input” refers to the “user input on the button” recited earlier in claim 1 and since Gould fails to teach the step of receiving a user input on the button”, it clearly does not place the device in a dictation mode or command mode when the user input on the button is of a first type or second type, respectively. In col. 1, lines 42-57 relied on by the action, the determination of whether speech is a command element or a text is determined by factors related to the speech as opposed to user input on the button being of a first or second type

In view of the foregoing, independent claim 1 is patentably distinct from Gould. Claims 2-11, which directly or indirectly depend from claim 1, are also distinguishable from Gould for the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein. For example, Gould is wholly devoid of any teaching or suggestion of the specific types of button inputs recited in claims 2-5 or the combination of types of button inputs in claim 3.

### CLAIMS 30-35

The action alleges that Gould discloses all the features of independent claim 30. However, Gould is wholly devoid of a teaching or suggestion of the claim 30 combination of features including responsive to receiving a first input of a first type to a first button of the device, entering a command speech recognition mode; and responsive to receiving a second input of the first type to a second button of the device, entering a dictation speech recognition mode. The action applies Gould to reject claim 30 in substantially the same manner as utilized with respect to claim 1. Thus, to the extent the features of claim 30 and claim 1 are similar, claim 30 is patentably distinct from Gould. In view of the foregoing, independent claim 30 is patentably distinct from Gould. Claims 31-35, which directly or indirectly depend from claim 30, are also distinguishable from Gould for the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein. For example, Gould is wholly devoid of any teaching or suggestion of the specific types of button inputs recited in claims 31, 32 and 34.

### CLAIMS 12-29

The action acknowledges that Gould does not teach or suggest the features recited in claims 12-16. To overcome these deficiencies, the action relies on VanBuskirk.

VanBuskirk is directed to a multiple function graphical user interface for speech recognition which combines the recognized text field, the on/off button, and a volume meter into a single component. Notably, VanBuskirk fails to remedy the defects of Gould. That is, VanBuskirk lacks a teaching or suggestion of receiving a user input on the button, placing the device in a dictation mode if the user input is of a first type, and placing the device in a command mode if the user input is of a second type. At most, VanBuskirk discloses an on/off button as part of a GUI.

Even assuming, but not admitting, that one skilled in the art could somehow have modified Gould with VanBuskirk to obtain the claimed invention, applicants submit that one skilled in the art would not have modified Gould to receive a user input on the button and place the device in a dictation mode or command mode. Such a modification would have destroyed the purpose and advantage of Gould - to recognize spoken commands within dictated text to allow a

user “to intermittently execute commands that affect the text (e.g., underlining or bolding particular words) without requiring the user to switch between separate command and dictation modes.” Col. 2, lines 11-15.

Claim 13 recites that the button has multiple states of depression, and the first and second types of user input are first and second states of depression of the button. VanBuskirk does not provide any teaching or suggestion of a button having multiple states of depression.

In light of the above, the combination of Gould and VanBuskirk is not only improper, but even if proper does not result in the invention of claims 12-16.

Claims 17 and 18 have been canceled without prejudice or disclaimer and thus their rejection is moot.

The action alleges that the combination of Gould and VanBuskirk results in the invention of independent claim 19. Applicants submit that the combination of Gould and VanBuskirk lacks a teaching or suggestion of a second program module, stored in memory, for causing a processor to enter a command mode responsive to a manner in which a button is pressed; and a third program module, stored in the memory, for causing the processor to enter a dictation mode responsive to a manner in which the button is pressed. As ostensibly discussed above, neither Gould nor VanBuskirk enter a command or dictation mode responsive to a manner in which a button is pressed as recited in claim 19. Moreover, as discussed one skilled in the art would not have modified Gould with VanBuskirk as suggested in the action. Claims 20 and 21, which depend from claim 19, are patentably distinct from the applied art of Gould and VanBuskirk for the same reasons as claim 19, and further in view of the novel features recited therein.

Since the combination Gould and VanBuskirk is improper as discussed above, claims 22-29 are patentable over the applied art for this reason as well as the additional advantageous features recited therein. For example, the applied art is wholly devoid of any teaching or suggestion of the specific types of button inputs recited in claims 23-25, 27 and 29.

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Amendment dated January 28, 2005  
Reply to Office Action of November 24, 2004

### CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

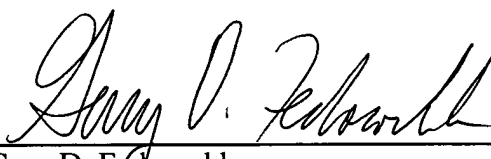
All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:

  
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